BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018090539
v.	
ANAHEIM UNION HIGH SCHOOL DISTRICT.	ORDER OF DISMISSAL

On August 14, 2018, Parent on behalf of Student filed a request for due process hearing (complaint) with the Office of Administrative Hearings against Anaheim Union High School District, OAH case number 2018080788.

On September 7, 2018, OAH issued an Order to Show Cause why Student's complaint should not be dismissed unless Parent established that she held a transfer of Student's educational rights or conservatorship over Student, who was over the age of eighteen.

Parent did not submit evidence to establish that she held a transfer of Student's educational rights or conservatorship over Student. Instead, Parent withdrew the complaint, and OAH case number 2018080788 was dismissed by Order dated September 17, 2018.

On September 17, 2018, Parent on behalf of Student filed a request for mediation only against Anaheim in the current matter, OAH case number 2018090538. The request was not accompanied by a showing that Parent holds a transfer of Student's educational rights or conservatorship over Student.

Parent should not be permitted to circumvent OAH's September 7, 2018 Order by serially dismissing and refiling due process requests. Student is over the age of eighteen, and Parent cannot appear before OAH on behalf of Student without a valid transfer of educational rights or a judicial order appointing her conservator over Student. (See Ed. Code, §§ 56028, subd. (b)(2) and 56041.5.)

Accordingly, Student's request for mediation only is dismissed.

Any further filings by Parent on behalf of Student must be accompanied by evidence establishing that Parent holds a transfer of Student's educational rights or conservatorship over Student.

IT IS SO ORDERED.

DATE: October 1, 2018

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings